

IN RE: PETITION FOR ZONING VARIANCE
NW/8 Bauernschmidt Drive,
86' SE of c/l of Martin Drive
(2308 Bauernschmidt Drive)
15th Election District
5th Councilmanic District
David J. Blevins, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-235-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit rear yard setbacks of 26 feet and 16 feet in lieu of the required 30 feet, for a principal building and an open projection (deck), respectively, in accordance with Petitioner's Exhibit 1.

The Petitioners, by David J. Blevins, appeared, testified, and were represented by S. Eric DiNenna, Esquire. No Protestants appeared at the hearing.

Testimony indicated that the subject property, zoned D.R. 5.5, is known as 2308 Bauernschmidt Drive and is currently improved with an existing single family dwelling. Petitioners propose constructing a 10-foot wide deck across the entire rear of the existing dwelling. Due to the location of the existing dwelling on the property and the shape of the lot, the proposed deck will extend into the rear yard beyond the required setback limitations set forth in the zoning regulations. The property is located within the Chesapeake Bay Critical Areas.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance

would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures

tures or conveyances or that have run off from surrounding lands;

- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of January, 1989 that the Petition for Zoning Variance to permit rear yard setbacks of 26 feet and 16 feet in lieu of the required 30 feet, for the principal building and an open projection (deck), respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

2) The variance granted herein is limited to the principle building and proposed deck as shown in Petitioner's Exhibit 1. Any substantial deviation from the construction as shown will result in voiding the approval.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 25, 1988, attached hereto and made a part hereof.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
887-3353

J. Robert Haines
Zoning Commissioner

January 5, 1989

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW/8 Bauernschmidt Drive, 86' SE of the c/l of Martin Drive
(2308 Bauernschmidt Drive)
15th Election District - 5th Councilmanic District
David J. Blevins, et ux - Petitioners
Case No. 89-235-A

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

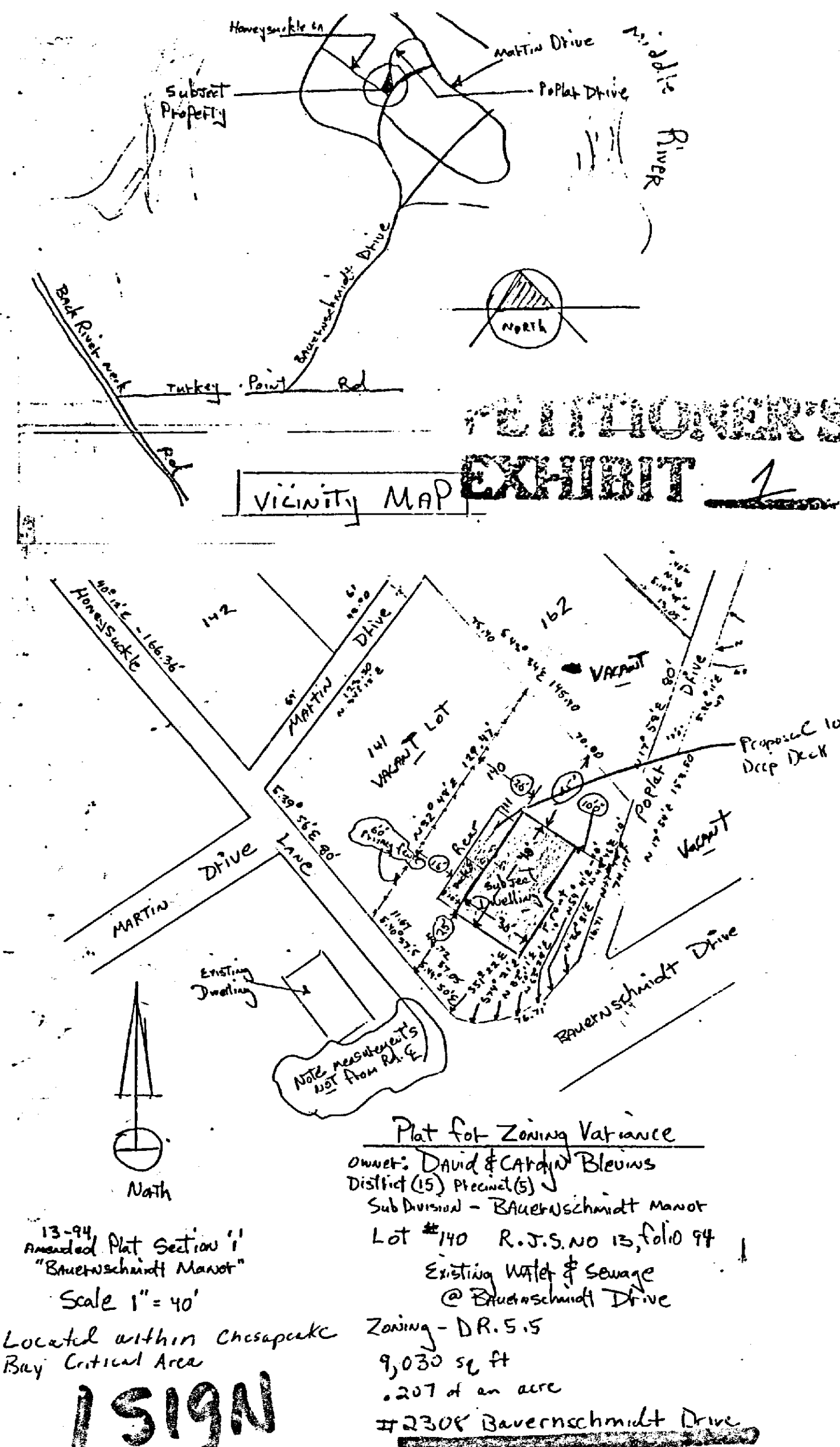
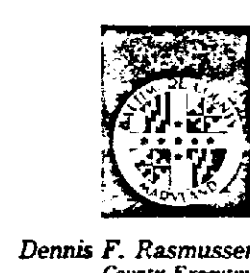
Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File



DP 3
1/79

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

2308 BAUERNSCHMIDT DRIVE
DAVID AND CAROLYN BLEVINS
85 KING HENRY CIRCLE, 21237

DATE ISSUED: 1-5-89
EXPIRATION: 1-5-90

TERMIN: OWNER

NOTE: THIS BUILDING CANNOT BE OCCUPIED UNTIL PUBLIC WATER AND SEWERS ARE AVAILABLE AND CONNECTED THERETO.

N. S. HONEYUCKLE LANE

A. TYPE OF IMPROVEMENT
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C. TYPE OF USE
1. RESIDENTIAL
2. COMMERCIAL
3. INDUSTRIAL
4. AGRICULTURAL
5. RECREATION
6. PUBLIC USE
7. OTHER

THIS PERMIT MUST SEE OTHER SIDE FOR IN

PETITIONER'S EXHIBIT 2

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 and 301.1 to permit rear yard setbacks of 26' and 16' for the principal building and for an open projection (deck), respectively.

- (1) Because of shape of lot and improvements
- (2) Other reasons to be given at time of hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____

Legal Owner(s):
David J. Blevins
(Type or Print Name)
Signature: _____
Carolyn Blevins
(Type or Print Name)
Signature: _____

Attorney for Petitioner:
S. Eric DiNenna
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____

409 Washington Ave., Suite 600
Towson, Maryland 21204
City and State: _____

Attorney's Telephone No.: 296-6820
Name: _____
Address: _____
City and State: _____

409 Washington Ave., Suite 600; 21204
Address: _____
City and State: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of Oct 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of Dec 1988, at 2 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Beginning on the Northwest Side of Bavenschmidt Drive, 40 feet wide, at the distance of 86 feet southeast of the centerline of Martin Drive. Also on the Northeast Corner of Honeysuckle Lane and Bavenschmidt Drive, and being Lot 140 in the subdivision of Bavenschmidt Manor. Book No. 13, Folio 94. Also known as 2308 Bavenschmidt Drive in the 15th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1974 Date of Posting: 11/24/88
Posted for: David J. Blevins, et ux
Petitioner: David J. Blevins, et ux
Location of property: NW/4 Bavenschmidt Dr., 86' SE of Martin Dr., 2308 Bavenschmidt Dr., 15th Election District
Location of Sign: Front of property
Remarks: See map of Baltimore County
Posted by: [Signature] Date of return: 11/24/88
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 28, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 24, 1988.

THE JEFFERSONIAN,

S. Zube Olson
Publisher

PO 05895
reg M20461
case 89-235-A
price \$41.35

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for zoning variance filed by David J. Blevins, et ux, on November 24, 1988, at 9:00 a.m., in Room 111, Towson, Maryland 21204, for the purpose of considering the petition for zoning variance and for the purpose of considering the petition for zoning variance and for the purpose of considering the petition for zoning variance.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 28th day of October, 1988.

Petitioner: David J. Blevins, et ux
Petitioner's Attorney: S. Eric DiNenna

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner
Mr. & Mrs. David J. Blevins
85 King Henry Circle
Baltimore, Maryland 21237

Re: Petition for Zoning Variance
CASE NUMBER: 89-235-A
NW/4 Bavenschmidt Drive, 86' SE c/l Martin Drive
(2308 Bavenschmidt Drive)
15th Election District - 5th Councilmanic
Petitioner(s): David J. Blevins, et ux
HEARING SCHEDULED: FRIDAY, DECEMBER 16, 1988 at 9:00 a.m.*

Dear Mr. & Mrs. Blevins:

Please be advised that \$700.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 12/16/88 ACCOUNT: R-01-615-000
AMOUNT: \$ 71.00
RECEIVED FROM: David J. Blevins
FOR: Posting 12/16/88
B - 8714-*****7100-1-1889-235-A

post set(s), there each set not

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

November 4, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the petition identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-235-A
NW/4 Bavenschmidt Drive, 86' SE c/l Martin Drive
(2308 Bavenschmidt Drive)
15th Election District - 5th Councilmanic
Petitioner(s): David J. Blevins, et ux
HEARING SCHEDULED: FRIDAY, DECEMBER 16, 1988 at 9:00 a.m.*

Variance to permit rear yard setbacks of 26' and 16' for the principal building and for an open projection (deck), respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: Mr. & Mrs. David J. Blevins
S. Eric DiNenna, Esq.
Chesapeake Bay Critical Area Commission
File

*NOTE:
IF PHASE II OF THE SNOV EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989. PLEASE TELEPHONE DOCKET CLERK AT 887-3391 TO CONFIRM DATE.

Baltimore County
Fire Department
Towson, Maryland 21204-2556
494-4500

Paul H. Reinke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: David J. Blevins, et ux

Location: NW/4 Bavenschmidt Dr., 86' SE of c/l of Martin Dr.

Item No.: 94

Zoning Agenda: Meeting of 9/20/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill Noted and Approved:
Planning Group
Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 9, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

S. Eric DiNenna, Esquire
409 Washington Avenue
Suite 600
Towson, MD 21204

RE: Item No. 94; Case No. 89-235-A
Petitioner: David J. Blevins, et ux
Petition for Zoning Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
TO: _____ DATE: November 29, 1988

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition Nos. 89-187-A (Ryan Hosses); 89-188-A (Healy); 89-202-A (Cromwell Station Joint Venture); 89-206-A (Krivitski); 89-207-A (Minton); 89-211-A (Div.-Greenspring Ave.); 89-212-A (Bollinger); 89-217-A (Dobryowski); 89-218-A (Yanchus); 89-228-A (Bosse); (89-230-A [Hay] and 89-231-A [Katrlick] - located in Critical Area) and 89-235-A (Blevins)

The Office of Planning and Zoning has no comment on the proposed projects except as noted:

- All requests should be subject to the site plan as shown (use, size, location) and not uniformly applied to the lot. Any substantial deviation from the construction as shown will result in voiding of the approval.

PK/ef

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor
DATE: September 7, 1988

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 94 (if known)
Petitioner: Blevins (if known)

VIOLATION CASE # C-88-2424

LOCATION OF VIOLATION 2308 Bauernschmidt Drive

DEPENDANT Blevins

ADDRESS

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Ms. Margaret Swain 21 W. Susquehanna Avenue
Towson, Maryland 21204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

ech/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 11, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RECEIVED ZONING OFFICE
DATE: 10/14/88

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 55, 93,
(94), 95, 96, 98, 99, 100, & 101.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lab

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: October 25, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item #94
Blevins Property, Lot #140 - Bauernschmidt Manor

Subject property is located on the corner of Bauernschmidt Drive and Honeysuckle Lane, along Hogpen Creek in Middle River. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has requested a zoning variance to permit rear yard setbacks of 26 feet and 16 feet for the principle building and for an open projection deck, respectively.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 O>

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following requirements:

1. Two major deciduous trees or four conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 2,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

RECEIVED
OCT 27 1988

ZONING OFFICE

Memo to Mr. J. Robert Haines
October 25, 1988
Page 2

2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 494-3980 if you require additional information.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:tjg

Attachment

cc: The Honorable Ronald B. Hickernell

DESIGN 4:

Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.2: Dry Well Design (adapted from Md WRA, 1983)

